

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

: CIVIL ACTION

: NO. 04-CV-325 (ERIE)

: Judge Sean J. McLaughlin

O R D E R

AND NOW, this _____ day of _____, 2007, upon
consideration of Plaintiff's Motion In *Limine* Requesting The Court For Judicial Notice and any
opposition thereto, it is hereby ORDERED, DECREED and ADJUDGED that the Request is
GRANTED. This Court takes judicial notice of the authenticity and admissibility of the
following documents:

- 1) Trademark Assignment Abstract of Title (Exhibit P-5);
- 2) VEO's Trademark/Service Mark Application to register "Erie City Iron
Works" (Exhibit P-6);
- 3) VEO's Trademark/Service Mark Application to register "Erie City Boiler
Works (Exhibit P-7);

- 4) VEO's Objection and Reservation of Rights of Victory Energy Operations, LLC to Expedited Motion to Assume and Assign Executory Contracts Pursuant to 11 U.S.C. § 365 (Exhibit P-216);
- 5) EPTI's Expedited Motion to Assign and Executory Contract Pursuant to 11 U.S.C. § 365 (Exhibit P-216A); and
- 6) District Court's Order Approving Assumption and Assignment of Executory Contract Pursuant to 11 U.S.C. § 365 (Exhibit P-216B).

BY THE COURT:

McLaughlin, J.